Entry No. 82929 Book 244 Page 343-345
Recorded Mar 26 1991 Time 1:08 Pm Fee $0.00
Request of Millard County Clerk
LINDA S. CARTER MILLARD CO. RECORDER by CJ

AMENDED RESOLUTION 89-08-15

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLARD COUNTY, UTAH DECLARING THAT THE PUBLIC HEALTH, CONVENIENCE AND NECESSITY REQUIRES THE ANNEXATION OF AN AREA ENCOMPASSING LEAMINGTON TOWN AND NEARBY TERRITORY INTO THE WEST MILLARD MOSQUITO ABATEMENT DISTRICT, PROVIDING FOR ANNEXATION OF SAID AREA AND FURTHER PROVIDING FOR AN ADDITIONAL POSITION ON THE WEST MILLARD MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES TO BE FILLED THROUGH APPOINTMENT BY THE LEAMINGTON TOWN COUNCIL. And RESOLUTION ADOPTING AND RATIFYING ORIGINAL TERMS AND PROVISIONS OF THAT CERTAIN RESOLUTION DATED AUGUST 15, 1989, WITH THE EXCEPTION OF LEGAL DESCRIPTION.

RECITALS

WHEREAS, the Board of Commissioners of Millard County, Utah, referred to herein as the "County Commission," hereby recites the following as the basis for adopting this Amended Resolution:

A. The County Commission has heretofore created the West Millard Mosquito Abatement District (herein the "District") pursuant to Utah Code Annotated, Chapter 27, Title 26, or previous enactments of said chapter. The boundaries of the District heretofore created, as amended, encompass that area within Millard County, State of Utah described in this Amended Resolution.

B. The County Commission has heretofore declared its intention by Resolution 89-05-23 C that the public health, convenience and necessity requires the annexation of an area into the West Millard Mosquito Abatement District as such area was described in said resolution.

C. The Millard County Clerk provided for publication of notice of a public hearing to allow all interested parties to be heard in support of in opposition to said annexation and giving notice of the time, place and manner in which written protests should be submitted, as provided by law.

D. The County Commission conducted a public hearing on June 27, 1989, pursuant to notice, wherein all interested persons in support of or in opposition to annexation of the proposed area were heard and all written protests were considered. In addition thereto, opportunity was provided for written protests against the proposed annexation to be submitted to the Millard County Clerk's office for a period of 30 days after said hearing. The names of all persons protesting annexation of the described area to the District were as follows:

Name	Address	Tax ID No. of Parcels owned by Protestants

E. The County Commission, having considered all of said protests and having found that the written protests filed with the County Clerk within 30 days after conclusion of the hearing represent less than 25% in number of the real property owners according to the last assessment role within the area proposed for annexation and less than 30% of the registered voters in the proposed annexation area, the County Commission therefore finds that the proposed annexation should be completed.

F. Resolution No. 89-08-15 as originally adopted and executed on August 15, 1989, provided an incorrect legal description covering the area to be annexed, the purpose for this Amended Resolution being solely for the correction of the legal description of the area to be annexed, all of the other terms and provisions of said original Resolution being hereby adopted and ratified.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Millard County, Utah:

Section 1. Annexation of Proposed Area. In accordance with Utah Code Annotated § 26-27-12, the County Commission, based on the petition of the Leamington Town Council and on its own finding that the West Millard Mosquito Abatement District has already provided District services for the proposed annexation area, does hereby declare that the public health, convenience and necessity requires the annexation of the following described area into the West Millard Mosquito Abatement District and does hereby order that the following described area be annexed and incorporated into the West Millard Mosquito Abatement District:

> Beginning at the Northwest corner of Section 8, Township 15 South, Range 4 West, Salt Lake Base & Meridian and proceeding thence Easterly along the North section lines of Sections 8, 9, 10 and 11 to the Northeast corner of Section 11 of said Township 15 South, Range 4 West; thence Southerly along the East section lines of Section 11 and 14 to the Southeast corner of said Section 14 of Township 15 South, Range 4 West; thence Westerly along the South section lines of Sections 14, 15, 16 and 17 to the Southwest corner of said Section 17, Township 15 South, Range 4 West; thence Northerly along the West section line of Sections 17 and 8 in said Township and Range to the point of beginning.

Section 2. Establishment of Additional Trustee Position. There is hereby established an additional member to the Board of Trustees of the District. The additional trustee position shall be appointed by the governing body of Leamington Town in accordance with the provisions of Utah Code Annotated § 26-27-6, or any duly enacted successor to the statute.

Section 3. Effective Date. This Amended Resolution shall become effective retroactively to August 15, 1989.

Section 4. Recordation and Filing. The Millard County Clerk is ordered to provide for recordation of a copy of this Amended Resolution in the

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office of the Millard County, Utah Recorder, and for filing of a certified copy hereof in the office of the Utah Lieutenant Governor and filing of a certified copy in the office of the Utah State Tax Commission. Publication of this Amended Resolution will not be required since the original Resolution was published in the Millard County Chronicle-Progress previously.

Section 5. Severability. In the event that any provision of this Amended Resolution is deemed or held invalid by a court of competent jursdiction, such portion shall be deemed severable and shall, to the extent possible, be contrued separately and independent of any other provision of this Amended Resolution and all other Resolutions not held to be invalid shall continue in full force and effect, to the extent practicable.

Section 6. Conflicting Actions. To the extent that this Amended Resolution conflicts with any prior Resolution or other act of the Millard County Commission of equal or lesser dignity, such other action shall be deemed amended to conform to and be made in accordance with the provisions of this Amended Resolution.

Section 7. Purpose of Amended Resolution. The sole and exclusive purpose of the Amended Resolution is to correct the legal description provided in the original Resolution No. 89-08-15 as recorded in the office of the Millard County Recorder, Entry No. 82600, Book 243, Page 801-803, on March 6, 1991.

PASSED AND APPROVED this 26th day of March, 1991.

BOARD OF COMMISSIONERS OF
MILLARD COUNTY UTAH

BY: Joe E Brinkerhoff
JOE'E BRINKERHOFF
Chairman

ATTEST: Marlene Whicker
MARLENE WHICKER
Millard County Clerk

(Seal)

I, MARLENE WHICKER COUNTY CLERK AND EX-OFFICIO CLERK OF THE FOURTH JUDICIAL DISTRICT COURT IN AND FOR MILLARD COUNTY STATE OF UTAH, HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT NOW ON FILE AND OF RECORD IN MY OFFICE AS SUCH CLERK.

WITNESS MY HAND AND SEAL OF SAID COURT THIS 26 DAY OF March A.D., 19 91

Marlene Whicker MARLENE WHICKER, CLERK BY Donna Brunson DEPUTY CLERK